



D - BLM - K65188 - CA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

September 17, 1996

Henri Bisson
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Mr. Bisson:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Report (DEIS) for the Eagle Mountain Landfill Project, Riverside County, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

The DEIS evaluates alternatives for a municipal solid waste landfill in an unused open pit mine and renovation resulting in repopulation of the adjacent Eagle Mountain Townsite by Kaiser Eagle Mountain, Inc. The proposed project includes a land exchange involving 3,481 acres of BLM lands in exchange for 2,486 acres of land currently owned by Kaiser. A right-of-way would also be issued for the entire length of the Eagle Mountain Railroad and the Eagle Mountain Road and its extension. The landfill would comprise 2,164 acres, and an additional 2,490 acres would be used for landfill support facilities and open space. At full operation, the landfill would accept 20,000 tons of solid waste per day for 117 years, 75 percent of which would be delivered by railroad. Kaiser would also renovate the 429-acre Townsite for residential/commercial purposes.

We have rated this DEIS as EC-2 -- Environmental Concerns-Insufficient Information (see enclosed "Summary of Rating Definitions and Follow-Up Action"). Our concerns are based on the need for more specific protection of resources on the offered lands as well as avoiding nighttime lighting at the landfill, and a commitment to compensate for loss of bat habitat. The Final Environmental Impact Statement (FEIS) should also provide additional information regarding management of the offered lands, the visibility analysis, and alternatives to reduce nighttime lighting impacts to the nearby Wilderness Area. Our specific comments are enclosed.

We appreciate the opportunity to review this DEIS. Please send a copy of the FEIS to this office at the same time it is filed with our Washington, D.C., office. If you have any questions, please call me at (415) 744-1584, or have your staff call Jeanne Geselbracht at (415) 744-1576.

Sincerely,


David J. Farrel, Chief
Federal Activities Office

Enclosures

cc: David Mares, County of Riverside

Judy Rocchio, National Park Service

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

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Land Management

The DEIS (p. 2-8) states that the offered lands would be managed by BLM according to appropriate guidance and policies including the Desert Tortoise Recovery Plans issued by the U.S. Fish and Wildlife Service and the California Desert Conservation Area Plan and its future amendments. The FEIS should specify BLM's proposals regarding resource management on the offered lands, including minerals management and the potential environmental impacts of those management proposals. These parcels are desired by BLM because they are valuable from the standpoint of vegetation, wildlife, and efficiency of land management. In order to ensure long-term protection of the values and resources of these offered parcels, EPA recommends that BLM withdraw these parcels from mineral entry.

The FEIS should provide a map that depicts the offered lands with respect to Areas of Critical Environmental Concern.

Nighttime Lighting

It is unclear why the currently proposed landfill would be operated 16 hours per day rather than ten hours per day as would be the case for the originally proposed Eagle Mountain Landfill. We do not agree with the DEIS that nighttime lighting of the landfill would be an insignificant impact on the wilderness experience in Joshua Tree National Park, particularly in the fall, winter, and spring months when there are fewer hours of daylight and the landfill could be lighted in the evenings for up to five or six hours. We strongly recommend that nighttime lighting be eliminated from the project. The FEIS should discuss why the preferred alternative has changed and how nighttime lighting can be avoided or minimized by alternative scheduling or reducing deliveries.

Visibility

EPA defers to the Federal land manager of a Class I area as the expert in determining what levels of impact constitute a perceptible plume. We strongly support the National Park Service, the Federal land manager of Joshua Tree National Park, which has determined that a plume is perceptible when it has a delta E value of 2.0 or a contrast value of 0.05. These values should be incorporated throughout the EIS.

The total number of impacts to all observers should be included in the coherent plume analysis. Therefore, the frequency of impact from coherent plumes from all observers should be noted in

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addition to the frequency of impact to the most affected observer.

Wildlife

According to the DEIS (p. 4.7-31), proposed mitigation measures would not reduce impacts to the California leaf-nosed bat and the Townsend's big-eared bat to below levels of significance. The DEIS suggests that mitigation trust funds could be used to identify additional mitigation, such as suitable roosting and/or maternity habitat. EPA recommends that BLM and/or Riverside County commit to acquiring compensation habitat for bats as a high priority.

